

PART I - TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only ✓
 2. Did you testify at trial? YES () NO ✓
 3. Did you appeal from the conviction or the sentence imposed? YES ✓ NO ()

(A) If you appealed, give the

- (1) Name of court: Appellate court Direct Appeal,
 (2) Result: Denied
 (3) Date of ruling: 1-24-94
 (4) Issues raised: was not proven guilty of murder one.
Natural life sentence was in violation.

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES ✓ NO ()

(A) If yes, give the

- (1) Result: Direct Appeal, Also, Denied.
 (2) Date of ruling: 3-21-94.
 (3) Issues raised: Sentence violation, Counsel was ineffective, The court didn't give defendant a fair flight, A Supreme Court Rule 651(c) was found.

(B) If no, why not: _____

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes () No ✓

If yes, give (A) date of petition: _____ (B) date *certiorari* was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES NO

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: Trial Court, 1st Post Conviction Petition

B. Date of filing: 2-24-1994

C. Issues raised: IT WAS said that the Same ISSUES were raised from Direct Appeal, ISSUES of 6th Amend, OF Counsel or INeffective of Trial-Appell

D. Did you receive an evidentiary hearing on your petition? YES NO

E. What was the court's ruling? _____

F. Date of court's ruling: _____

G. Did you appeal from the ruling on your petition? YES NO

H. (a) If yes, (1) what was the result? ADVANCE to Next Stage

(2) date of decision: 9-16-94

(b) If no, explain briefly why not: _____

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES NO

(a) If yes, (1) what was the result? Supreme Court issued A supervisory order.

(2) date of decision: July 11th 2006

(b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (✓)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
4. Date of ruling _____
5. If you appealed, what was the ruling on appeal? _____
6. Date of ruling on appeal _____
7. If there was a further appeal, what was the ruling? _____
8. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES () NO (✓)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: _____
- (2) Date: _____

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES () NO (✓)

If yes, explain: _____

Part III - Petitioner's claims

(A) Grounds - TRIAL COURT ERRED IN FAILING TO APPOINT NEW COUNSEL, FROM THE POST-CONVICTION UNIT, TO APPROPRIATELY INVESTIGATE AND DEFEND PETITIONER.

The Public Defender's Office, That I was appointed to by Honorable Leo Holt, WAS NEGLECTING me and the case itself. Not following upon ANY INVESTIGATIONS, nor doing anything I REQUESTED, some counselors never even contacted me at all! For example; The first postconviction that was put forth, I explained to Counsel that the ONLY reason the petitions were alike was because, upon visiting to hear the decision on the petition, A similar petition was sent forth, which was the same petition, That the CLERK SHOULDIVE ITSELF had notice this and stop the petition, Counsel or went on before the court to make a statement of, Why are we here? This petition has been acted upon already, A Supreme Court violation was put forth GSI(c) still the HON, Holt would NOT take me out of this office. After several other neglecting counselors, To where one even states; You know you done this! (MARIONNE BRANCH) and she never tried to do anything on the case. She never even knew the sentence I had, seven years or more I was neglected by counselor after counselor from this postconviction unit, I repeatedly requested to be taken out of this office. Honorable, LEO HOLT, denied each request, I was not given a fair chance with that office.

(B) Ground two, Denied A Fair Trial By Prosecution
misconduct,

Upon Producing Police Reports stating 1.) That the victim was seen by two elderly women, After the Date stated the victim was murder. Also in the Police Reports Given to the state was that James Hill was supposedly spoke with the defendant, And the Defendant was supposedly stated; that he never seen the victim. Then when they later spoke, Hill - Defendant. That the victim was seen with Defendants Nephew. The court found that James Hill statements was unbelievable by the court, and was thrown out. But the court (state) later used this during trial, which shouldn't have been used when the state KNEW it was created by Hill. Michael Walker Also made statements, which was not found to be true. IT was later found out that Michael Walker was also question on the case as well, And that he had been incarcerated, Also that the state Paid Walker for a statement, by supposedly paying his rent etc. when there were no real facts of this statement. Michael Walker made brought in for questioning!

Upon Request to Counsel to Put this forth, counselors never brought forth.

Part III - Petitioners Claims,

(C) Ground three, The Natural life sentence without Parole is unconstitutional, along with consecutive sentences should be void.

The Natural Life Sentence is unconstitutional, that the (sentence) factors should be brought before a JURY to determine the sentence, that the Heinous, Brutal was not proved. (Also) The total sentence should be void, because the Appellate Court dismissed the consecutive sentences, in doing so, these sentences was a major part of receiving the Natural Life sentence, and being void the total sentence should be void. That the Heinous, Brutal portions was because of the counts that Defendants was found guilty of these counts the Defendant was given consecutive sentences, after the court dismissed the consecutive sentences, which these sentences did in fact enhance the sentence to a Natural Life sentence. In doing that the court dismissed the consecutive sentences. A sentence hearing should be held on the Natural life.

PART III - PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

- (A) Ground one Trial Court erred in failing to appoint new
Supporting facts (tell your story briefly without citing cases or law):

Counsel, from the PostConviction unit, where it was glaringly apparent were neglecting Constitutional claims, whereas the Public Defenders Office was neglecting my case, to where at one point a 651(c) was put on counsel from that office. After a 7 1/2 years of my PostConviction being in that office, I was put off counsel after counsel

- (B) Ground two Denied A fair trial By Prosecution.
Supporting facts:

Misconduct, to where Prosecution (STATE) used statements of which they didn't have proved facts of, to where the state attorney had witness showing that the victim was alive days after the time stated; The murder was done, the statements by a Hill was thrown out and later used in trial where A Michael Walker made a deal for his statement,

(C) Ground three The Natural Life Sentence Without
Supporting facts:

Parole IS UNCONSTITUTIONAL ALONE WITH A CONSECUTIVE SENTENCES, BECAUSE OF THESE FACTS THE SENTENCE SHOULD BE VOID, AND SENT BEFORE A JURY TO DETERMINE A SENTENCE, BECAUSE NOT BEING ELIGIBLE FOUND FOR THE DEATH SENTENCE, OR BRUTAL AND HEINOUS, WAS NOT PROVEN IN THIS CASE.

(D) Ground four The holding in Apprendi v. New Jersey
Supporting facts: 530 U.S. 466 (2000) APPLIES RETROACTIVE

TO INVALIDATE THE NATURAL LIFE SENTENCE.
OF WHICH THE FACTS WHETHER AN AGGRAVATING
FACTOR EXISTS, TO MODIFY THE GREATER OFFENSE OR
THE ELEMENTS TO BE PROVED BEYOND A REASONABLE
DOUBT, WHETHER A JUDGE (OR) JURY SHOULD DECIDE,
1) A SENTENCE
2) AGGRAVATING FACTORS

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES () NO (✓)

If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:
Prosecution misconduct, Because of the several public defenders put on the case, of their neglect,

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing JESSIAH GANT,
- (B) At arraignment and plea JESSIAH GANT,
- (C) At trial MARIJANE PLASEK,
- (D) At sentencing MARIJANE PLASEK,
- (E) On appeal Lester Finkle-Direct
- (F) In any post-conviction proceeding several P.D's /ast ones Lindsay Huges
- (G) Other (state): Marienne Branch, Jerry Naminj,

PART V - FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES NO

Name and location of the court which imposed the sentence: Markham Court, Markham IL,

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: _____
(Date) _____ Signature of attorney (if any) _____

I declare under penalty of perjury that the foregoing is true
and correct.

Jerome B. Hendricks
(Signature of petitioner)

N-53807
(I.D. Number)

Menard, IL, 62259 P.O. 711
(Address)

IN THE UNITED STATES DISTRICT COURT
FOR THE Northern DISTRICT OF ILLINOIS

Jerome B. Hendricks,
Plaintiff,

No. 88CR-12517

STATE OF ILLINOIS.

Defendants.

The Honorable
Wilber C. Crooks,
Judge Presiding.

NOTICE OF FILING

To:

Clerk of the United States
District Court Northern Dist of IL,
219 South Dearborn 20th fl.

PLEASE TAKE NOTICE that on or before the 11th day of March, 2008, I shall file with the Clerk of the U.S. District Court For The Northern District of Illinois, the attached Plaintiff's 3 Copies of petition, one (1) Appellate Court Decision,

a copy of which is hereby served upon you.

By: Jerome B. Hendricks
Register Number N-53807
Post Office Box 711,
Menard, Illinois 62259

CERTIFICATE OF SERVICE

I, Jerome B. Hendricks, being duly sworn aver that I have served copies of the foregoing to the person named above by placing such copies in the U.S. Mailbox at the Menard Correctional Center on the 11th day of March, 2008; postage prepaid. UNDER THE PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT.

Jerome B. Hendricks
Affiant